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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,317	12/05/2003	Daniel James Dickinson	AN15C1	1387

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EXAMINER

SALDANO, LISA M

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/729,317

**Applicant(s)**

DICKINSON ET AL.

**Examiner**

Lisa M. Saldano

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/5/2003
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-24 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6,726,418. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the present application broadly cover the claimed matter of the patented case U.S. Patent No. 6,726,418. For example, the claims of the present application recite a head portion, body portion, front and back openings, side body portions and front and back snapping segments, just as the claims of U.S. Patent No. 6,726,418 claim.

*Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1, 2, 7, 8, 10, 11, 13, 14, 19, 20, 22 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Cornell et al (5,774,949).

Regarding claim 1, Cornell et al disclose a trim clip 100 comprising a head portion 8 having an upper side with an engagable hole 22 for a securing member 26 (see Fig.1). The head portion 8 also has a lower side (see Fig.1). The trim clip also comprises a body portion extending from the lower side of the head portion extending at a substantially right angle with respect to the head portion. The body portion comprises a front body portion and back body portion made of arms 12, 12' and bridging portions 20, 20'. The front and back body portions also have openings or windows 17,17' that have opening tops, opening bottoms and opening sides. The windows 17,17' each have a side body portion 10,10' (see Fig.2). Cornell et al also disclose front and back snapping segments made along arms 12,12' connected to the front and back body portions in the

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vicinity of the opening bottom wherein the snapping segments comprise a free engagement end 15,15'.

Regarding claim 13, Cornell et al disclose the trim clip as disclosed above wherein the clip is used on an automobile body (see column 1, lines 5-10) to connect trim 24 and resilient foam material 28 to the frame of the automobile or vehicle.

Regarding claims 2 and 14, Cornell et al disclose the trim clip as disclosed above, wherein the trim clip comprises a secondary engagement section comprising spaced-apart prongs 16,16'.

Regarding claims 7, 8, 19 and 20, Cornell et al disclose the trim clip as disclosed above comprising snapping segments along the arms 12,12' that are disposed at least partially along the respective side body portions 10, 10' (see Fig.2).

Regarding claims 22 and 23, Cornell et al disclose the trim clip as disclosed above comprising snapping segments along the arms 12,12' that are disposed at least partially along the respective openings or windows 17,17' (see Fig.2).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 3, 9, 12, 15, 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cornell et al as applied to claims 1 and 13 above in view of McKewan (4,430,033).

Regarding claims 3 and 15, Cornell et al discloses the trim clip as described above. Specifically, Cornell et al disclose spaced apart prongs that serve as secondary engagement for the securing member 26 of automobile trim 24. Cornell et al disclose that the prongs are operative to receive the trim protuberance 24 there between and lockingly secure the trim thereto (see column 3, lines 1-4).

Regarding claim 9 and 21, Cornell et al disclose the trim clip as disclosed above comprising snapping segments along the arms 12,12' that are disposed at least partially along the respective side body portions 10, 10' (see Fig.2).

Regarding claims 12 and 24, Cornell et al disclose the trim clip as disclosed above comprising snapping segments along the arms 12,12' that are disposed at least partially along the respective openings or windows 17,17' (see Fig.2).

However, Cornell et al fail to disclose tertiary engagement for the securing member 26.

McKewan discloses a sheet metal insert for foam plastic for use in anchorage and fastening applications. The insert comprises legs 16,18 with tangs 44 or ribs 24 that receivingly engage a screw or similar externally threaded member stem 26 in assembling or fastening a member 28 to a work piece 30 (see Figs. 1-3 and column 3, lines 25-30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a tertiary engaging surface, such as the ribs or tangs taught by McKewan, on the clip of the Cornell et al invention to engage the trim protuberance. The Cornell et al protuberance 26 could easily be a threaded screw used to fasten the trim 24 to the clip instead of the attached

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smooth shaft illustrated by Cornell et al. Furthermore, Cornell et al already disclose the use of secondary engagement for the securing member through anchoring prongs. Therefore, additional provision of a tertiary engagement in the case where a screw or threaded shaft is used instead of a smooth protuberance to fasten the trim to the frame of the Cornell et al invention would be an obvious modification to secure the connection, as taught by McKewan's provisions of tangs or ribs, and as suggested by Cornell et al's prongs.

7. Claims 4, 5, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cornell et al as applied to claims 1, 2, 13 and 14 above in view of either Kuffel (5,759,004) OR Fischer (5,919,019).

Regarding claims 4, 5, 16 and 17, Cornell et al disclose the trim clip as described above. Specifically, Cornell et al disclose front and back snapping segments made along arms 12,12' connected to the front and back body portions in the vicinity of the opening bottom wherein the snapping segments comprise a free engagement end 15,15'.

However, Cornell et al fail to explicitly disclose the use of anti-sliding sections or anti-opening sections on the free engagement ends of the snapping segments.

Kuffel discloses a push mount 10 for connecting a cable tie strap 26 to a mounting surface 30. The push mount comprises centering tabs 22 and reversely bent portions 20 or legs 18 that abut the underside of mounting surface 30 to retain the mount 10 in engagement with the mounting surface thereby providing an anti-opening section of the free engagement ends of the leg 18 (see column 2, lines 38-43).

Fischer discloses a mid-panel nut 10 securing a panel 14 to another apparatus 28. The nut comprises two extensions 40 with panel edge securing means 48, wherein the tip 50, 58 of the means 48 is provided with a good frictional surface such as with knurled or scored sections (see Figs. 2&5 and column 2, lines 47-50 and column 3, lines 43-48). Fischer discloses that the scored regions secure the nut 10 against lateral movement within a panel opening 18.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the anti-opening and/or anti-sliding portions taught by either Kuffel or Fischer on the trim clip of Cornell et al because the anti-opening and/or anti-sliding portions provide a means to further secure the clip in the opening of the panel thereby further securing the entire fastening arrangement, which serves the basic purpose of fastening elements that are intended to keep two objects connected to one another.

8. Claims 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cornell et al in view of McKewan, as applied to claims 3 and 15 above, in further view of either Kuffel (5,759,004) OR Fischer (5,919,019).

Regarding claims 6 and 18, Cornell et al and McKewan disclose the trim clip and sheet metal insert, respectively, as described above. Specifically, Cornell et al disclose front and back snapping segments made along arms 12,12' connected to the front and back body portions in the vicinity of the opening bottom wherein the snapping segments comprise a free engagement end 15,15'.

However, Cornell et al and McKewan fail to explicitly disclose the use of anti-sliding sections or anti-opening sections on the free engagement ends of the snapping segments.



Kuffel discloses a push mount 10 for connecting a cable tie strap 26 to a mounting surface 30. The push mount comprises centering tabs 22 and reversely bent portions 20 or legs 18 that abut the underside of mounting surface 30 to retain the mount 10 in engagement with the mounting surface thereby providing an anti-opening section of the free engagement ends of the leg 18 (see column 2, lines 38-43).

Fischer discloses a mid-panel nut 10 securing a panel 14 to another apparatus 28. The nut comprises two extensions 40 with panel edge securing means 48, wherein the tip 50, 58 of the means 48 is provided with a good frictional surface such as with knurled or scored sections (see Figs. 2&5 and column 2, lines 47-50 and column 3, lines 43-48). Fischer discloses that the scored regions secure the nut 10 against lateral movement within a panel opening 18.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the anti-opening and/or anti-sliding portions taught by either Kuffel or Fischer on the trim clip of Cornell et al because the anti-opening and/or anti-sliding portions provide a means to further secure the clip in the opening of the panel thereby further securing the entire fastening arrangement, which serves the basic purpose of fastening elements that are intended to keep two objects connected to one another.

### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Smith (5,725,343), Gagliardi et al (5,314,280) and Dickinson et al (6,726,418) disclose features that are pertinent to the present application.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa M. Saldano whose telephone number is 703-605-1167. The examiner can normally be reached on Monday-Friday, 8:30am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on 703-308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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